THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:18-11-2005

WRIT PETITION No.24717 OF 2005

BETWEEN:

B.Chakrapani Naidu & others.

…Petitioners

And

The Madanapalle Municipality, rep.by its Commissioner,
Madanapalle, Chittoor District.

…Respondent

ORDER:

Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the respondent Municipality.

The petitioners submit that they have purchased the house plots under several registered sale deeds in N.V.R. lay out Madanapalle bearing Sy.Nos.121, 122, 125A, 125B, 126, 127, 128, and 129 in the years 1978, 1996, 2003, 2004 and 2005 respectively from their vendors and the lay out was approved by the Municipal authorities. While so, a notice dated 29-10-2005 has been issued to the petitioners, stating that they have encroached the Municipality road by raising the earth and by piling the mud to a height of 120 metres for the purpose of manufacturing bricks and also encroached an extent of 7920 Sq.feet road admeasuring 240 x 33 Sq.feet and also the place of NVR college road.

Disputing the averments made in the said notice, the petitioners got represented through their Advocate and filed a representation dated 9-11-2005 before the Commissioner, Madanapalle Municipality. It is stated that even before the said representation has been disposed of, the respondent is threatening to take coercive steps to dispossess the petitioners from the alleged encroachment. I am not inclined to express any opinion when the matter is pending before the respondent pursuant to the representation filed by the petitioners.

Having regard to the facts and circumstances of the case, the respondent is directed to consider and dispose of the representation of the petitioners dated 9-11-2005 if it has not been already disposed of after giving reasonable opportunity to the petitioners and pass appropriate orders in accordance with law within two weeks from the date of receipt of copy of this order. Till then, no coercive steps shall be taken.

The Writ Petition is disposed of accordingly. No costs.

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V.ESWARAIAH,J

Date:18-11-2005.

Shr.